

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
WILLIAM M. NICKERSON  
SENIOR UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET  
BALTIMORE, MARYLAND 21201  
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February 18, 2010

All Counsel of Record

Re: Lefkoe v. Jos. A. Bank Clothiers, Civ. No. WMN-06-1892

Dear Counsel:

The Court is in receipt of the Parties' Notice of Filing of the Stipulation of Settlement and the Parties' Motion for Preliminary Approval. Upon review of your submissions, the Court believes that the Notice, as submitted, appears to omit some critical information.

1. The Stipulation of Settlement states that the Net Settlement Fund shall be distributed to the Authorized Claimants substantially in accordance with a Plan of Allocation to be described in the Notice and approved by the Court. The Notice, however, fails to describe how class claims will be calculated. Instead, there is the phrase "[INSERT ALLOCATION]."
2. Neither the Stipulation of Settlement nor the Notice to the Class explain what the proposed payment of attorneys' fees and expenses to be paid from the Settlement Fund will be. Instead, the Notice contains only blanks as to what percentage of the Settlement Fund the Attorneys' fees will comprise and the maximum amount of expenses.
3. Neither the Stipulation of Settlement nor the Notice to the Class indicate whether the named Plaintiffs will be entitled to a greater allocation from the Settlement Fund due to their efforts in this litigation.

The Court hereby requests that the Parties either supply the missing information or explain why it is not required to give proper notice to the class. If additional information is required, please submit a revised Notice of Proposed Settlement of Class Action for the Court to approve.

Notwithstanding the informal nature of this correspondence, it is an order of the Court and will be docketed as such.

Sincerely,  
/s/

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William M. Nickerson  
Senior United States District Judge

cc: Court File